



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र
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Date 02/11/2018

File No.6-GJB 044/2018-BHO/854

To,

The Additional Chief Secretary (Forest)
Govt. of Gujarat
Block No. 14, 8th Floor, New Sachivalaya
Gandhinagar, Gujarat.

Sub: Diversion of 2.4107 ha Reserved forest land from Hafeswar village for the project of Narmada River Hafeswar Basin based Bulk pipeline water supply project Ta- Kawant in Chhota-Udepur district in favour of Executive Engineer, Public Health Project Unit (GWSSB), Chhotaudepur, Gujarat.

Ref: REC minutes letter No. 6-REC10/2014-BHO/Part-1/786 dated 10/10/2018.

Sir,

I am directed to invite a reference to your letter No. FCA-1018/4-06/18/S.F-134/F dated 24/08/2018 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by the Regional Empowered Committee in its meeting held on 10/10/2018 for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the Central Government is directed to convey In-principle approval for diversion of 2.4107 ha Reserved forest land from Hafeswar village for the project of Narmada River Hafeswar Basin based Bulk pipeline water supply project Ta- Kawant in Chhota-Udepur district in favour of Executive Engineer, Public Health Project Unit (GWSSB), Chhotaudepur District Gujarat, subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land shall be handed over to the User Agency only after ensuring that the User Agency has got possession on non-forest land, if any, required for the project.
3. Compensatory afforestation:
 - a) The proposed CA area (2.4107 ha non-forest land) shows encroachment. So, revised CA land details (map & CA Scheme) in open forest with C.D < 0.4 as per the latest FSI report shall be submitted and uploaded on e.portal before issuance of working permission, as in case of linear projects.

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- b) The non forest land shall be transferred and mutated in favour of Forest Department.
 - c) The non forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980, Government of Gujarat must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this office for information and record;
 - d) The land identified for the purpose of CA shall be clearly depicted on a Survey of India Toposheet of 1:50, 000. The bearing of each corner point and distances between successive points shall be recorded along with GPS reading of Geo-Coordinates (Latitudes & Longitudes).
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the 2.4107 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24/04/2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e.portal.
 7. Project shall restrict the felling of trees upto 40 numbers in the diverted forest land under strict control of the State Forest Department. The number of trees to be removed shall be kept at barest minimum during the execution of the project.
 8. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
 9. No labour camp shall be established on the forest land.

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10. Sufficient firewood, preferably alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be demarcated on ground at the project cost.
12. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is earlier.
13. The layout plan of the proposal shall not be changed without prior approval of the Central Government.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The user agency shall construct, if required, under &/ or over passes for movement of wild animals etc. in consultation with the State Forest Department.
16. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
17. Soil conservation measures, if required, shall be taken up by the user agency.
18. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage forest flora and fauna.
19. Proposed labour camps outside the forest area are to be dismantled and removed and the labourers shall be sent back immediately after the completion of the work.
20. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
21. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
22. Any other condition that the Ministry of Environment Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The User Agency shall submit compliance report as on 1st January of every year to the Nodal Officer of the State.
24. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 1st July of every year.
25. The User Agency and the State Government shall ensure compliance of the provisions of all the Acts, rules, regulations and guidelines for the time being in force as applicable to the project.
26. The compliance report shall be uploaded on *e.portal* (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of the condition Nos 3 (a&b), 4, 5, 6, & 26 from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

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 G.W.S.S.B, Chhotaudapur

The order for transfer of forest land to user agency shall not be issued by the State Government till formal approval for diversion of forest land is issued by this office.

(Area = 2.4107 ha.
GWSSB, Chhotaudepur)

Yours faithfully
Pamposh
01/11/2018
(Pamposh Mohan Koul)
Technical Officer (Forestry)

Copy to :-

1. Director, ROHQ, , Govt. of India, Ministry of Environment, Forests and Climate Change, Agni, C-wing, 3rd Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110003.
2. The Addl. Principal Conservator of Forests & Nodal Officer, FCA, Aranya Bhavan, Block No. A/3, Near "Ch" Circle, Opposite St. Xaviers High School, Sector -10A, Gandhinagar, Gujarat.
3. The Dy. Conservator of Forests, Forest Division Chhotaudepur, District-Chhotaudepur, Gujarat.
4. The Executive Engineer, Public Health Project Unit, GWSSB; Chhtaudepur, District-Chhotaudepur, Gujarat.
5. Order file.

Pamposh
01/11/2018
(Pamposh Mohan Koul)
Technical Officer (Forestry)